

SUBDIVISION ORDINANCE

ARTICLE I GENERAL PROVISIONS

Section I-1 Title

This ordinance shall be known and may be cited as the Subdivision Regulations of Brunswick County, North Carolina.

Section I-2 Purpose

The purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Brunswick County. It is further designed to provide for the coordination of streets and highways within proposed subdivisions with existing and planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and the rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provisions of water, sewage, parks, schools, and playgrounds.

Section I-3 Jurisdiction

The regulations contained herein, as provided in G.S. 153A, Article 18, shall govern each and every subdivision within the jurisdiction of Brunswick County and within the jurisdiction of any municipality whose governing body by resolution agrees to such regulation.

Section I-4 Authority

The provisions of this ordinance are hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

Section I-5 Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual plat of land whether residential or commercial within the County's jurisdiction shall be approved by the Brunswick County Planning Board or the Planning Department.

Effective January 19, 1999 any final plat, either major or minor shall be recorded with the Register of Deeds, within six (6) months from the date of approval by the Planning Department or the Planning Board.

If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.

Section I-6 Thoroughfare Plan

Where a proposed subdivision includes any part of a thoroughfare which has been designed as such upon the officially adopted thoroughfare plan of Brunswick County, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this ordinance.

Section I-7 School Sites on Land Use Plan

If the Brunswick County Board of Education has determined the specific location and size of any school sites to be reserved or if this information appears in the land use plan, the Brunswick County Planning Board shall immediately notify the Board of Education whenever a preliminary plan for a subdivision is submitted which includes all or part of a school site to be reserved. The Board of Education shall promptly decide whether it still wishes the site to be reserved. If the Board of Education does not wish to reserve the site, it shall so notify the Planning Board. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation.

Section I-8 Zoning and Other Plans

Proposed subdivisions must comply in all respects with the requirements of the Zoning Ordinance in effect in the area to be subdivided, and any other officially adopted plans.

Section I-9 Exclusions and Exceptions

The following shall be exempt from the Subdivision Regulations; however, other provisions of the Zoning Ordinance shall apply.

1. Estate Exclusion

Brunswick County chooses to exclude a voluntary partition of land made for the purpose of dividing up the estate of a decedent among his heirs, whether the decedent died testate or intestate, provided that no new roads are created and/or dedicated for public or private ingress and egress. In the event of a transfer or division of an estate in which interior parcels do not abut a public road, each such parcel must have an approved access to a public road of at least thirty (30) feet in width.

2. Family Exception

Certain residential lots will be considered by Brunswick County for family exceptions to the Subdivision Regulations provided the following conditions are met:

1. All new divisions under this family exception shall conform to the zoning requirements of the district in which it is located, however, said division will not have to comply with the right-of-way width requirements of Section 5.7 of the Brunswick County Subdivision Ordinance. Each division must have an approved access of at least 30 feet in width to a public road. A family can have up to five (5) dwellings on the 30-foot access.
2. A family subdivision shall be defined as the division of land into no more than five parcels or lots for the purpose of conveying the resultant parcels or lots to a grantee or grantees who are in any degree of lineal kinship to the grantor, or to the grantee or grantees who are within four degrees of collateral kinship to the grantor. Degrees of kinship would be computed in accordance with G.S. 104A.1. All parcels or lots so conveyed must meet the size requirements of the County Zoning Ordinance. Such certification shall appear on the plat.
3. The owner and grantee certify that the purpose of the exception is not to circumvent the provisions of the Brunswick County Subdivision Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than one (1) year, and that the recorded plat and deed shall indicate same.

(a) The following certificates, shall be placed on the final plat.

The grantor and grantee certify that the grantee is within four (4) degrees of collateral kinship to the grantor, and that the purpose of the exception is not to circumvent the provisions of the Brunswick County Subdivision Ordinance, and that none of the lots shall be conveyed to non-family members for a period of not less than One (1) year, and that the recorded plat and deed shall indicate the same.

Grantor

Grantee

THE PROPOSED STREET(S) WILL NOT BE MAINTAINED BY
BRUNSWICK COUNTY AND ANY MAINTENANCE SHALL BE
THE RESPONSIBILITY OF ALL ADJACENT PROPERTY OWNERS
TO SAID STREET(S).

4. Note on plat that “The proposed street(s) will not be maintained by Brunswick County and any maintenance shall be the responsibility of all adjacent property owners to said street(s).”
5. The lot or parcel shall contain sufficient land area for the principal residential structure and any additional residential structures to be considered independent principal dwelling units, individually meeting the minimum lot size and required set backs, an imaginary lot line shall be assumed between the structures.
6. Any other residential occupancy of the structures is not permissible and is a violation of this ordinance, unless a minor or major subdivision of the parcel takes place.

3. Combination/Recombination

The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance, shall be exempt.

4. Division Greater than Ten (10) Acres

The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved, shall be exempt.

5. Public Acquisitions/Rights-of-Way

The public acquisition by purchase of strips of land for the widening or openings of streets, shall be exempt.

6. Lots of Record/Not Platted

Lots of record which were recorded by a deed in Brunswick County Courthouse prior to the adoption of the subdivision ordinance in October 21, 1991 may have a plat prepared and recorded.

7. Cemetery Lots

Individual cemetery plots may be platted and recorded that do not meet the minimum lot size requirement of the zoning district in which it exists; however, the cemetery shall comply with the applicable zoning district regulations.

8. Utility Easements/Utility Lease Agreements

Utility easements shall be shown on subdivision plats as required by this ordinance; however, utility easements and utility lease agreements for distribution boxes or structures shall be exempt from the subdivision regulations. All applicable zoning regulations shall apply.

9. Division in Single Ownership

The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the Subdivision Regulations contained in this ordinance.

Section I-10 Interpretation of Terms

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural, and words used in the plural number include the singular, unless in the natural construction of the wording indicates otherwise.
3. The word “person” includes a firm, joint venture, association, organization, partnership, corporation, trust and company, as well as individual.
4. The word “lot” includes the words “plot”, “parcel”, or “tract”.
5. The word “building” includes the word “structure”.
6. The word “may” is permissive. the word “shall” is always mandatory and not merely directory. The word “will” is always mandatory and not merely directory.
7. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
8. The words “County” shall mean the County of Brunswick, North Carolina.
9. The words “Planning Board” shall mean the Brunswick County Planning Board.
10. The words “County Commissioners” shall mean the County Commissioners of Brunswick County, North Carolina.
11. The words “Zoning Map” or “Official Brunswick County Zoning Map” shall mean the maps of Brunswick County, North Carolina.

Section I-11 Definitions

1. Accessory: A structure or use that is incidental to another use or structure on the same lot.
2. Accessory Residential: An existing residential structure/use that is located on a parcel that is zoned either a business or industrial district may remain and continue as a residential structure for the property owner, his/her family, or a lessee, until such time as the property is redeveloped in accordance with business or industrial district.
3. Board of Commissioners: The governing body of Brunswick County.
4. Buffer: A strip of land with natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of adjacent land uses or properties from one another. A buffer may include any required screening for the site.

5. Building: Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.
6. Building, Detached: A building having no party or common wall with another building except an accessory building.
7. Building, Height of: The vertical distance from the average underwalk grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.
8. Building Line: A line located a minimum horizontal distance from the right-of-way line of a street or property line parallel thereto between which no building or parts of a building may be erected, altered, or maintained except as otherwise provided herein.
9. Building Setback Line: The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained.
10. Building, Main: A building in which the principal use of the lot on which the building is situated is conducted.
11. Building, Site: Any lot or portion thereto, of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.
12. Built-upon area: Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)
13. Community Water Supply: See Public Water System.
14. Corner Lot: A lot abutting upon two (2) or more streets at their intersection.
15. Cul-de-Sac: A street with one (1) end open to traffic and the other end of which is permanently terminated by a vehicular turn-around.
16. Developer: Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development of housing, commercial or industrial projects.
17. Development: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
18. Development Plan, Phased: A plan which has been submitted to the county by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels.
19. Development Plan, Site Specific: A plan which has been submitted to the county by a landowner describing the type and intensity of the proposed land uses for a specific parcel or parcels of property.

20. Double Frontage Lots: A continuous (through) lot of the same depth as the width of a block and which is accessible from both of the streets upon which it fronts.
21. Dwelling, Multi-Family: A building used or designed as a residence for more than two (2) families living independently of each other.
22. Dwelling, Single-Family: A detached building designed for or occupied exclusively by one (1) family.
23. Dwelling, Two-Family: A detached building either designed for or occupied by two (2) families living independently of each other.
24. Dwelling Unit: A residential structure or that portion of a residential structure used or designed as a residence for one (1) family. A building, or portion thereof, providing complete and permanent living facilities for one (1) family.
25. Easement: A grant by the property owner for use by the public, a corporation, or person(s) of a strip of land for specified purposes.
26. Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds.
27. Family: One or more persons occupying a single dwelling unit, provided that all members are related by blood or marriage or adoption.
28. Fence (Protective): A structure of wood, stone, brick, block, steel, or other metal extending from the surface of the ground to a minimum height of six (6) feet, and of such materials and construction, which creates a physical barrier.
29. Floor Area (gross): The sum of the gross horizontal areas of the several floors of a building measured from the centerline of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles.
30. Floor Area (net): The total of all floor areas of a building, excluding stairwells and elevator shafts, utility and equipment rooms, restrooms, interior vehicular parking or loading, and basements when not used for human habitation or service to the public.
31. Floor Area Ratio (FAR): A relationship determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
32. Frontage: All property abutting one (1) side of a street measured along the street line.
33. Impervious Surface: Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to, compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all area covered by the footprint of buildings or structures.

Uncovered wooden slatted decks and the water area of a swimming pool are considered pervious.

34. Impervious Surface %: The algebraic percent calculated to determine the percentage of built upon area on any tract(s) of land used for the purpose of actual or anticipated residential or non-residential development.
35. Landowner: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representatives of such owner.
36. Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
37. Lot Area: The parcel of land enclosed within the boundaries formed by the property lines plus one-half (1/2) of any alley abutting the lot between the boundaries of the lot, it extended.
38. Lot Depth: The distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.
39. Lot Line: Any boundary of a parcel of land.
40. Lot Line, Front: Any boundary line of a lot running along a street right-of-way line.
41. Lot Line, Rear: The property line(s) which is (are) opposite the front property line. If no property line is deemed to be opposite the front property and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint on the front lot line.
42. Lot Line, Side: A boundary line which is not defined as a front or rear lot line.
43. Lot of Record: A lot, of any size, which is part of a subdivision, a plat of which has been recorded, in the office of the Register of Deeds of Brunswick County prior to October 21, 1991, or a lot described by metes and bounds, or by adjoining property owners, the description of which has been so recorded prior to October 21, 1991.
44. Lot Width: The horizontal distance between the side lines measured along the front building line as specified by the applicable front yard setback in this ordinance.
45. Master Plan: An overall plan of development that shows possible uses and intensity of use. Normally shown in phases or sections.

46. Official Maps or Plans: Any maps or plans officially adopted by the County Commissioners of Brunswick County, or municipalities in the County, as a guide for the development of the County, consisting of maps, charts and/or texts.
47. Off-site Sewage System: A sewage system (public, community, or private) serving a development.
48. Off-site Water System: A water supply system (public, community or private) serving a development.
49. On-site Sewage System: A septic tank system, which is located on a lot.
50. Open Space: An area that is designed for either environment, scenic or recreational purposes. Open space may include but is not limited to lawn, decoration planting, walkways (including concrete walkways), active and passive recreation areas, playgrounds, swimming pools, wooded areas. Open space shall not be deemed to include driveways, parking lots, roadway right-of-ways except for landscaped medians 12' in width or greater, transmission electric easements, utility and/or drainage easements or other surfaces designed for vehicular travel.
51. Operating Permit: A permit issued by the Planning Department to a mobile home park or travel trailer park owner or operator upon the completion of a mobile home park or travel trailer park which conforms to the requirements of this ordinance.
52. Parking space: A space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way. Parking space requirements shall be consistent with the requirements as per the Brunswick County Zoning Ordinance.
- Angle Parking Minimum – 8.5 feet x 20 feet (measured parallel to the vehicle)
90 degree Parking Minimum – 9 feet x 20 feet
53. Planned Unit Development: A residential, commercial or combination of residential and commercial projects located on land under unified control, planned as a whole, and programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.
54. Planning Board: A body appointed by the Brunswick County Board of Commissioners to perform duties as specified in Ordinance No. VI (Ordinance Establishing A County Planning Board and “Rules of Procedure” adopted by the Planning Board).
55. Plat: A map or plan of a parcel of land which is to be, or has been subdivided, or any existing parcel of land.

56. Private Water Supply: A water supply furnishing water to a development with fourteen (14) or less service connections as mandated by State Law.
57. Public Building: Public buildings shall include local, state or federal government office facilities, including such as libraries and post offices.
58. Public or Community Sewage System: A single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.
59. Public (Community) Water System: A system for the provision to the public or piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Two (2) or more water systems that are adjacent and are owned or operated by the same supplier of water and that together serve fifteen (15) or more persons is a public water system. Public (community) water system must meet standards and approval of the North Carolina Department of Human Resources, Water Supply Branch, as mandated by State Law.
60. Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.
61. Retention: The surface collection, storage, and reduction of stormwater runoff for the purpose of providing infiltration of runoff into the soil.
62. Reverse Frontage Lot: A continuous lot of the same depth as the width of a block, accessible from only the minor of the two (2) streets upon which it fronts.
63. Road (Public): Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this section by reference.
64. School: Any public or private institution for teaching.
65. Septic Tank System: A ground absorption sewage treatment and disposal system consisting of a septic tank and a nitrification field, necessary pipelines, conduits, pump stations, and other appurtenances required for proper collection, distribution, treatment, disposal, operation, and performance, or any other system approved by the Health Department.
66. Setback: The distance between the minimum building line and the street right-of-way line and where no street right-of-way is involved, the property line shall be used in establishing the setback.
67. Single Family Residential: Any development where: 1) no building contains more than one dwelling unit, and 2) every dwelling unit is on a separate lot.

68. Spoil: Earth, rock, or other materials excavated or dredged from a drainage course.
69. Storage: The deposition of commodities or items for the purposes of future use or safekeeping.
70. Stream Buffer: A fifty (50) foot vegetated buffer along both sides of all perennial streams as defined by the USGS as ones “which flow continuously” and are indicated by solid blue lines on 7 1/2 minute topographic maps.
71. Street: A public or private thoroughfare which affords access to abutting property and is recorded as such in the Office of the Register of Deeds. A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
72. Street, Private: A dedicated or undedicated private right-of-way, which affords access to abutting properties and requires a Subdivision Streets Disclosure Statement in accordance with G.S. 136-102.6.
73. Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties for vehicular traffic.
74. Structure: Anything constructed or erected, including but not limited to buildings, which requires location on the land or the attachment to something having permanent location on the land.
75. Subdivider: Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.
76. Subdivision: All divisions of a tract or tracts and/or parcel of land into one (1) or more lots, building sites, or other divisions for the purpose, whether immediate or future, for sale, or building development, and this shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition: Rev. 02/06/06
- a. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance;
 - b. The division of land into parcels greater than ten (10) acres when no street right-of-way dedication is involved;
 - c. The public acquisition by purchase of strips of land for the widening or opening of streets; and

- d. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the Subdivision Regulations contained in this ordinance.
77. Subdivision Administrator: The person or persons responsible for the administration of Chapter 3 of this Ordinance, and appointed in Chapter 3, Article II, Section 3.9.
78. Technical Review Committee: A committee consisting of one (1) Brunswick County Planning Board member, planning staff, NC DOT, schools representative, representatives from public and private utilities, environmental health, GIS, Fire Marshall, EMS representative, Solid Waste representative, and any other individual so designated by the Brunswick County Planning Board to review plats.
79. Use: The purpose for which land or structures thereon are designed, arranged, or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.
80. Variance or Exception: A modification or alteration of any of the requirements of this ordinance.
81. Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).
82. Yard: Any open space on the same lot with a building and unoccupied from the ground upward except by trees, shrubbery, or fences.
83. Yard, Front: A yard across the full width of the lot, extending from the front line of the building to the front lot line.
84. Yard, Rear: A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.
85. Yard, Side: A yard between the building and side lot line, extending from the front building line to the rear building line.
86. Zero Lot Line Dwelling: A detached single-family dwelling on a lot with a side yard requirement on one (1) side of the lot.
87. Zoning Permit: A permit issued by the Zoning Administrator or his authorized agents, that permits the applicant to use or occupy a tract of land or a building; or to erect, install or alter a structure, building, or sign situated in the jurisdiction of the County that fully meets the requirements of this ordinance.